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Question of Palestine

Algeria, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and Palestine: draft resolution

Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Welcoming the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Noting with concern that it has been more than sixty years since the adoption of resolution 181 (II) of 29 November 1947 and forty-one years since the occupation of Palestinian territory, including East Jerusalem, in 1967,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 62/83 of 10 December 2007,[1]

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the*

[1] A/63/368-S/2008/612.

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Occupied Palestinian Territory,[2] and recalling also its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem,

Reaffirming also the illegality of Israeli actions aimed at changing the status of Jerusalem, including measures such as the so-called E-1 plan and all other unilateral measures aimed at altering the character, status and demographic composition of the city and the territory as a whole,

Reaffirming further that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law,

Expressing deep concern about the continuing Israeli policy of closures and severe restrictions on the movement of persons and goods, including medical and humanitarian personnel and goods, via the imposition of crossing closures as well as the continued establishment of checkpoints and the imposition of a permit regime throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis, as well as on efforts aimed at rehabilitating and developing the damaged Palestinian economy, and on the contiguity of the Territory,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[3] and the need for full compliance with the agreements concluded between the two sides,

Recalling also the endorsement by the Security Council, in resolution 1515 (2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and stressing the urgent need for its implementation and compliance with its provisions,

Recalling further the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002,[5]

Recalling the convening of the international conference held at Annapolis, United States of America, on 27 November 2007, in particular the decision by the

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[2] See A/ES-10/273 and Corr.1.

[3] See A/48/486-S/26560, annex.

[4] S/2003/529, annex.

[5] A/56/1026-S/2002/932, annex II, resolution 14/221.

parties to launch meaningful, direct negotiations towards the achievement of a just, lasting and peaceful settlement of the Israeli-Palestinian conflict and ultimately the Arab-Israeli conflict as a whole for the realization of a comprehensive peace in the Middle East,

Noting the important contribution to the peace process of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including in the framework of the activities of the Quartet,

Welcoming the reconvening of the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians, under the chairmanship of Norway, at United Nations Headquarters on 22 September 2008, and affirming the importance of continued follow-up and fulfilment of pledges made at the Paris donors' conference of 17 December 2007 to mobilize donors to provide financial support to the Palestinian Authority to enable it to build a prosperous and viable Palestinian State and, in the meantime, to also provide assistance to alleviate the socio-economic and humanitarian crisis being faced by the Palestinian people, and acknowledging the contribution of the Mécanisme Palestino-Européen de Gestion et d'Aide Socio-Economique of the European Commission in this regard,

Welcoming also the convening of the Bethlehem Conference on Private-Sector Investment from 21 to 23 May 2008, aimed at promoting an enabling environment for Palestinian private-sector growth and development,

Recognizing the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform and strengthen its damaged institutions, and emphasizing the need to preserve the Palestinian institutions and infrastructure,

Welcoming the outcome of the Berlin Conference in Support of Palestinian Civil Security and the Rule of Law, held on 24 June 2008, and calling for its speedy implementation,

Welcoming also the progress observed in Jenin, and calling upon the parties to continue cooperation benefiting both Palestinians and Israelis, in particular for promoting security and building confidence, and expressing the hope that such progress will be extended to other major population centres,

Expressing its concern over the negative developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality committed against Palestinian civilians by Israeli settlers in the West Bank, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people,

Expressing its grave concern over continuing military actions in the Occupied Palestinian Territory and the reoccupation of Palestinian population centres by the Israeli occupying forces, and emphasizing in this regard the need for the implementation by both sides of the Sharm el-Sheikh understandings,

Taking note of the calm prevailing between the Gaza Strip and southern Israel since June 2008, and calling for its continued respect by both sides,

Emphasizing the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides,

Expressing concern over the unlawful takeover of Palestinian Authority institutions in the Gaza Strip in June 2007, and calling for the restoration of the situation to that which existed prior to June 2007 and for the continuation of serious efforts for the resumption of dialogue and the restoration of Palestinian national unity,

Stressing the urgent need for sustained and active international involvement, including by the Quartet, to support both parties in advancing and accelerating the peace process negotiations between the parties for the achievement of a just, lasting and comprehensive peace settlement, on the basis of United Nations resolutions, the road map and the Arab Peace Initiative,

Acknowledging the efforts being undertaken by civil society to promote a peaceful settlement of the question of Palestine,

Taking note of the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end;

2. *Also reaffirms* its full support for the Middle East peace process, which began in Madrid, and the existing agreements between the Israeli and Palestinian sides, stresses the necessity for the establishment of a comprehensive, just and lasting peace in the Middle East, and welcomes in this regard the ongoing efforts of the Quartet and of the League of Arab States;

3. *Further reaffirms* the importance of the Arab Peace Initiative, adopted by the Council of the League of Arab States at its fourteenth session,[5] and encourages continued serious efforts to follow up and promote the Initiative, including by the Ministerial Committee formed by the Riyadh summit in March 2007;

4. *Reaffirms* the importance of the international conference convened at Annapolis, and urges the parties to undertake, with the support of the Quartet and the international community, immediate and concrete steps in follow-up to their joint understanding, including through active and serious resumed bilateral negotiations;

5. *Calls upon* both parties to fulfil their obligations in respect of the implementation of the road map by taking immediate parallel and reciprocal steps in this regard;

6. *Also calls upon* the parties themselves, with the support of the Quartet and other interested parties, to exert all efforts necessary to halt the deterioration of the situation and to reverse all measures taken on the ground since 28 September 2000;

7. *Underscores* the need for the parties to take confidence-building measures aimed at improving the situation on the ground, promoting stability and fostering the peace process, including the need for the further release of prisoners;

8. *Stresses* the need for a speedy end to the reoccupation of Palestinian population centres, including, inter alia, by easing movement and access, including by the removal of checkpoints and other obstructions to movement, and the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

9. *Also stresses* the need for an immediate and complete cessation of all acts of violence, including military attacks, destruction and acts of terror;

10. *Notes* the Israeli withdrawal in 2005 from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map[4] and the need for the parties to resolve all remaining issues in the Gaza Strip;

11. *Reiterates* the need for the full implementation by both parties of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, of 15 November 2005, and the need, in specific, to allow for the opening of all crossings into and out of the Gaza Strip for humanitarian supplies, movement and access as well as for commercial flows, which are essential for improving the living conditions of the Palestinian people and ensuring the viability of the Palestinian economy;

12. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease all of its measures that are contrary to international law and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including via the de facto annexation of land, and thus at prejudging the final outcome of peace negotiations;

13. *Demands*, accordingly, that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion[2] and as demanded in resolutions ES-10/13 of 21 October 2003 and ES-10/15 and, inter alia, that it immediately cease its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States Members of the United Nations to comply with their legal obligations, as mentioned in the advisory opinion;

14. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

15. *Reaffirms its commitment*, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

16. *Stresses* the need for:

(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem;